Quid Novi

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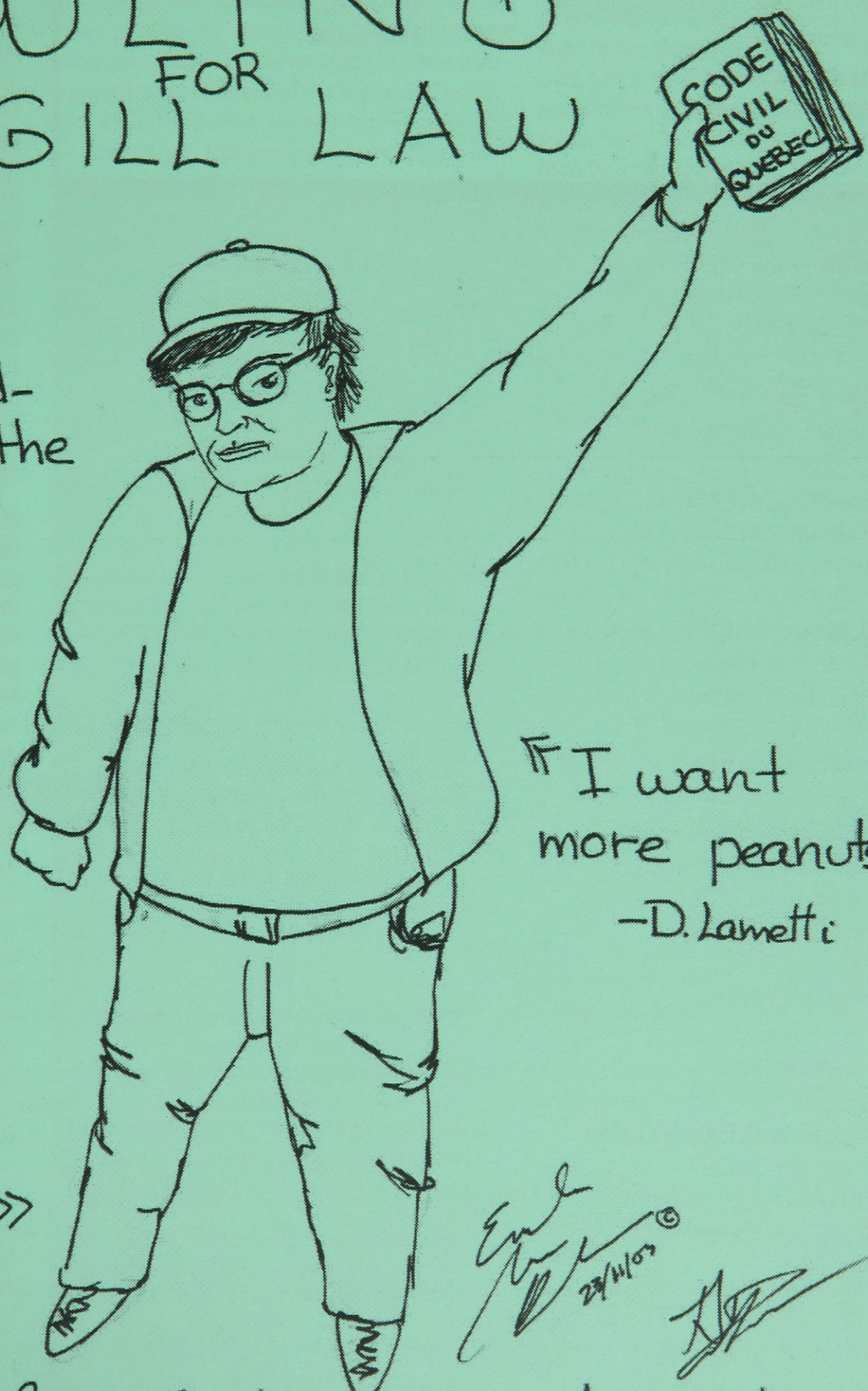
BOWLING FOR MCGILL LAW



«The awful truth behind how Lockheed-Martin ended the funding crisis»
-New York Times

«I want more peanuts!»
-D. Lametti

«Who needs this stupid social contract?!?»
-R. Janda

Nominated for 8 Academy Awards

In This Issue...

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Contributions should preferably be submitted as a .doc attachment. All anonymous submissions will be rejected.

Editor's Note...

Shame on us!

As a simple mortal and editor of the *Quid*, I offer you my opinion on a recent Faculty event organized by our fearless Radical Law Community. I am not defending any position and my point is not to make this a political editorial about the Middle Eastern Conflict. I want only to comment on the students attacks aimed at our guest speakers, shamefully discrediting our Faculty by using frivolous arguments and forgetting about key values of our pluralist society.

Being among the few who witnessed the whole presentation on the Wall, I was astounded at the distasteful and sophistic arguments of law students towards the end of the discussion. This event was aimed at building bridges between both communities, but instead created further divisions, and this not because of the speakers who themselves were a refreshing example of cooperation, but because of a few (obviously Latin illiterate) interveners. Indeed, could it be a coincidence that the maxim over the Moot Court wall reads: "Honeste vivere, alteram non laedere, suum cuique tribuere"[1]?

How surprised the OCI interviewers would have been had they witnessed these accusations and spiteful comments in the Moot Court from these same students who had just presented themselves as bright and caring in a distinguished manner a few moments before at the Mt-Royal Conference Center.

And how disappointed would I have felt as one of the guest speakers, realizing that not even students of our oh-so-wonderful Faculty of Law were capable of discussing the issue without turning it into a free-for-all of personal attacks towards guest speakers who had overcome their own personal biases to work towards constructive debate. On the other hand, I would have also been thankful for the few hippies in the audience who provided humorous comments as colorful as their clothing, relieving momentarily the crowd from the ever growing tension…

Patrick

1 "The Precepts of the Law are these: To live honorably, not to injure another, to give each his due." *Justinian*, Institutes, Book I, Title I, Sec. 3.

A.A. Meeting

by Ayman Daher (Law III)

Ayman: Hello… My name is Ayman… and I'm an Arab.

Support Group: *Hi Ayman*

Ayman: I've been an Arab for 21 years. It comes and goes. There are days when I don't even feel it. I thought I had gotten rid of it. I'd go days without barking a single word of the language. I even got rid of that nagging urge to give rides to people in a yellow car. But a few weeks back, I had an overwhelming craving for some Shish-Taouk and I couldn't stop myself. I ran to the closest Basha, the one inside the passage under the Simons was closed. Some mean looking man with a moustache was glaring at me laughing from behind his grill. I cursed at him and went running on St-Catherine's St. to the Sara near Concordia University. You got it people, I was dangerously close not only to people outside of Law school, but actually people outside McGill! What people wouldn't do for their vices. But anyway, I got to the door of the restaurant and, of course, it was closed. I pounded on the door relentlessly, I fell to the ground sobbing in front of the Buffalo next door. I was weeping uncontrollably crying out for a morsel of that tender marinated garlic chicken, while police officers started gathering around me trying to figure out if I had any explosives on my body. When it finally hit me. I had hit rock bottom. I realized then, that I will always be an Arab. You know what they say, once an Arab, always an Arab.

So why am I here now? Well, I think its time to get my life in order. I mean I wasn't in control of my life anymore. The Arabism was controlling me. I passed entire days with a water pipe in my mouth cursing at the Great American Satan. I'd have wild Qu'oran reading parties at all hours of the night. My neighbors called the cops several times terrorized for fear of me kidnapping their children and taking them back to Iran… I neglected my job so I could go burn infidel flags. When I would go to work, I'd come in bruised and bloodied from the earlier day's self-flagellation. I got fired. I scared my girlfriend. I kept running after her with a veil trying to shield her Satan-induced seductive hair from my eyes. Plus she was getting annoyed at me for dropping to my knees in direction of Mecca and bowing at the most inopportune moments. And do you know how hard it is to get camel hair out of Suede? Well let me tell you, that was the last straw. She kicked me out. I was caught breaking the crosses on Old Chancellor Day Hall's rooftop and was reprimanded. Now I'm on probation in law school. If I go on one more hunger strike or try to immolate myself on the front steps one more time, I'm outta here. So I'm jobless, woman-less, and soon to be without an education. I come to you now, in need of help.

I'm in a dilemma. If I try to be proud of my heritage and show my culture proudly, the RCMP will be on me like hummus on pita bread, and my neighbors will fear me as if I had SARS. (Thank Allah we Arabs don't have that too!) On the other hand, if I try to blend into, or rather out of, my culture, I will suffer from a crippling case of identity crises not to mention a sick feeling of turning my back on my people. And it's not like I have a real chance at success. One day that I don't shave and I'll have the American Department of Homeland Security flying me to Guantanamo Bay faster than you can say El-Hamdou Lil Lah. For a while, I tried exulting the greatness and virtues of being Arabic and tried to convince my friends that we weren't always bloodthirsty barbarians. I mean there are the little details of the invention of medicine, astronomy, mathematics, physics and chemistry, not to mention the building of the greatest library in the world… blah blah... but that just didn't carry. Who cares, all I got as a response is: "Well Woopti-friggin-doo, thanks to you we have to go to university and learn fun things like algorithms and physiology…!!" I tried to show them our culture by showing them Arabic T.V., but as everybody knows, there is only one Arabic channel and all it carries is repeating videos of Osama bin Laden 24 hours a day. So as it stands, I'm at a loss. What do I do?

Leader of support group: *We can give meaning to your life. We have this… ummm… package we want you to deliver.* ■

Letter to the Editor

by Sarom Bahk (Law I)

Re: "Right is Mike: A Banner Year for Canada" (Oct. 7, 2003): It's nice to see that Mr. Hazan is so convinced of Paul "Deficit Slasher" Martin's ability to solve Canada's woes. But I was rather affronted by his statement that "Canada failed PR 101" when faced with the SARS crisis. Mr. Hazan contends that while "some South Asian nations properly responded [to the crisis] by promptly equipping airports with infra-red sensors and putting their cities in a virtual lockdown," Canada neglected to institute such measures.

This is utterly wrong.

You see, last summer, I was Canada's PR 101. I was a SARS Girl. After learning that my bachelor's degree rendered me too qualified to make espresso, I landed a gig with Health Canada at Vancouver International Airport, scanning all incoming flights from Asia with a handheld infrared camera. I learned how to say, "Do you have a fever?" in Cantonese, Punjabi, and Tagalog. I fielded aggressive comments from cranky Air Canada pilots. I provided translation services, vomit bags and directions to people waiting in line.

There were 55 of us on Health Canada's Vancouver team: nurses, data collectors, and us Thermal Scanner Operators. Collectively, we spoke 28 different languages. Most of us were unconvinced of the utility of the job - we didn't catch a single SARS patient, although many passengers definitely had the flu.

A waste of precious budgetary resources for public relations purposes? Perhaps. But I'm completely for government-subsidized education - be it through student loans or the provision of superfluous summer jobs.

In the meantime, if Human Rights Internship interviews aren't forthcoming, I'm willing (and eager) to hop on the emergency medical bandwagon again next summer. West Nile scanners, anyone? ■

On Human Relations at the Faculty

by Shirley Wei (Law I)

Like many first year students, I was overjoyed upon meeting the many friendly faces that welcomed me at the Faculty and in Montreal. Two weeks of non-stop orientation and a case comment later, however, we were thrown back enough in our whirlwind of readings to understand the real meaning of *tout est relatif*. In this temporary calm of the eye of a hurricane, let us direct our attention to something that directly affects us all to differing degrees: friendship. Creating friendships is becoming increasingly difficult as it has become nearly impossible to synchronize the different time slots we all have allotted for studying and socializing, and many find themselves in a tug-of-war between friends and academics. Something that you may not realize, however (especially you CEGEP people who still live at home), is how acutely this is felt by your foreign buddies who don't have a safety net of supporting family and friends, and who suddenly find themselves braving the cold winter alone, save for 6 to 8 casebooks. The worst part is, they usually don't find the means to voice this concern (me being an exception of course, since Americans just ooze of overabounding confidence, or so I've heard).

The underlying question is, how are law students who are in perpetual competition with each other expected to break past the barriers inherently set up against them from day one, and into the next level of human relations which can be so much more emotionally and intellectually satisfying? The prospective glory that results from competition is tempting enough for some to sacrifice desirable qualities such as humility and cooperation altogether, just to win. The downside of winning, however, is that you are still alone if you've left everybody else behind along the way, and then nobody will be left to admire all that you've accomplished. The issue at hand is not a simple one as it entails a certain discomfort that most are not ready to confront.

Many describe the Faculty as being high school all over again because of its small size – before long we all feel like we're just swimming around in a tiny little fish bowl. Unfortunately, this mentality leads us to think of socializing as a chore rather than as enjoyable. From day one, we must build a good reputation for ourselves because our peers (yes, even the ones you think are beneath your contemplation) could potentially have a say (yay or nay) in our future careers. Things sure have changed since undergrad days when you could wear the same thing two days in a row and go unnoticed. Why don't we all just make it easier on each other by simply handing out our CVs as well as a brief summary of our personal lives (to ensure moral integrity)? All this tension will culminate in the fall when interviews roll around and you realize that you are up against the very people you've always known were smarter and cooler than you. I think it safe to say that the kind of friendship and moving admiration held by Max Brod for his dear friend Kafka in the postscriptum to "The Process" would be a rarity here at the Faculty.

On the surface we all exude confidence and intellect, but not one can say that we are not ridden with insecurities inside. I'll admit that I hesitated for quite a while before I decided to write this article, but there are those who didn't write for the Quid until their final year, or worse yet who never wrote/will write at all. As if it weren't terrifying enough to have your writing laid bare for the eyes of the Faculty, there are always those who necessarily find it in their competence to dictate how others should or shouldn't write. And one wonders why the Quid doesn't get enough submissions. Don't get me wrong; I'm not condemning a little healthy competition, nor am I offering a cure-all for this widespread social phenomenon. I am just paying a little homage to all the friendly people who've made it a little easier on the rest of us foreign students (hey, I'm from a different subculture) to fit in.

For the amicably-challenged who find it difficult to just be nice to others, here are three simple steps which if followed should lead to social success:

Offer of friendship – project a willingness to befriend. Don't snap at somebody who's never offended you.

Acceptance of friendship – the offer is usually reciprocated but is by no means a rejection of the original offer.

Performance – follow up on your word. Don't induce reliance and then back out – nobody likes a flake. Intend to listen when you ask somebody "how are you?"

And remember, avoid unjustly enriching the other by not acting too needy. Of course, there are variations on these three simple steps but this is the basic moral contract from which all human relations arise. For the next few years if not for the rest of our lives, let us keep in mind that in law school just as in anything else, meaningful relationships and academic achievement are not mutually exclusive events. More often than not, the rewards of the latter are dependent on the mastering of the former, which I find gets harder as we get older. As my wise friend likes to remind me during my moments of anxiety, "*il faut tout relativiser*". ■

If the Door is Open, Someone is at Home

by Hilary Stedwill (Law III.5)

I just finished watching Michael Moore's documentary, Bowling for Columbine. It was one of those movies I had heard a lot about and have been meaning to get to, but I never got around to it until tonight. Turns out I had to fly across the Atlantic before I could finally sit down and watch. I looked forward to the interview with Charleton Heston and the scene where Michael is in the bank, aiming the rifle. Neither disappointed.

My favourite scene, though, had to be Michael going to door-to-door in Toronto, checking to see if Canadians locked their doors. When Michael was asking Canadians, "Do you lock your doors?" and they told him no, I thought he was asking whether Canadians locked their doors when they're not home. I initially wrote off the people he was interviewing as being either exceptional and careless, or from a small town where everyone knows everyone else. But when he tested the claims of Canadians by walking up to the front doors of Toronto residents and discovered the doors were indeed unlocked, I immediately thought, "Well, if the door is open, someone is at home." Sure enough, Michael perplexed someone inside each time (I ▶

especially liked the guy who, without missing a beat, said, "well you could have knocked").

I went to see the movie with an Australian, who to my surprise, was shocked during this scene. She leaned over and whispered, "Is that true."

"What?" I asked.

"That you leave your doors unlocked?"

"Well yeah," I said, "they're at home, of course?"

"Well someone might come in!" she gasped. Granted, this could be just a Perth thing.

Later that evening, I asked some students from Lithuania and Germany if they locked their doors when they were at home. "Absolutely", they said. When I told them I didn't lock the door, they asked why not. At the time, I hadn't thought of a reason why, so I blurted out, "Well, if I locked the door, someone looking to steal from a house might think everyone was out and come in." My German and Lithuanian law student friends exercised their legal reasoning and concluded, "So, you leave the door open to let everyone know that you're home, and that keeps the burglars out?"

"Well, yeah, I guess," realizing how mildly absurd this sounded.

I checked with my Swedish floormates. Finally, I found some people in the world who have the same custom as I do. Sure, before bed, or when you're upstairs with loud music playing, you might think to lock the door. Perhaps after spending a summer living with a woman and her violent boyfriend and their drug dealers, you might lock the door for a few months until you're confident they won't come back (see the Quid Novi from a couple years ago for more details about how that might come about).

Clearly Swedish people can say the same thing. I've discovered Swedes and Canadians are actually a lot alike; no wonder Mats fit in so well at our school!

Perhaps all of you back in big "bad" Montreal will read this and think I'm careless for leaving the door open when I am home, but I've always done that, whether in Regina, Ottawa, Montreal or Toronto. Why? No reason in particular, really. I suppose I've never been given a reason to lock the doors while I'm there (even after the roommate incident). Intuitively, I think it would be easier to take stuff from houses where no one is inside, so burglars will be trying to get into those houses. I should lock my doors when I leave. In the end, I'm not really afraid of people trying to get into my house while I am there because it just doesn't occur to me that someone might try (granted, I've lived in nice neighbourhoods for the most part), and if someone wants into my place bad enough while I'm out, well, I'm not going to lose sleep over it.

Being a Canadian abroad, I'm constantly faced with distinguishing myself from Americans, although I suspect I am the cause of this more so than curious Swedes and other exchange students. I offer up the usual items: some of us can speak French, we eat Poutine, we're more polite, we know more about other countries, etc. To this I can now add, "we don't live in fear", which strikes me as an enormous distinction, and one for which I am especially grateful.

Clearly Swedish people can say the same thing. I've discovered Swedes and Canadians are actually a lot alike: We both buy our booze from government stores, we both have free healthcare and we both know snow, northern lights and hockey. No wonder Mats fit in so well at our school! He misses all of you and insists to me that he will be back soon.

In the meantime, fellow Canadians, stay fearless! It's a matter of national identity.

[Hilary Stedwill is presently away on exchange in Lund, Sweden and enjoying the Senators' 5 - 2 win over the Canadians in their home opener in Ottawa - sorry guys!] ■

Frankenfood and Health Insurance: Ontario fears the bridging of a Gap

by Travis Chalmers (Law I)

A colleague of mine, Jason MacLean, recently published a Quid commentary about our society's obsession with the nebulous idea of "progress." He astutely points out that "what is hoped for in its' name is sometimes not progressive at all." Barely a day goes by where we do not hear about the miraculous progress of medicine, and the debates that spin off of those advances. Dolly the sheep, the Harvard mouse, super-tomatoes and silk-producing goats all regularly make headlines. The information contained in those stories, however, is rarely sufficient to allow one to develop an informed opinion about the progress, process, or product being discussed. Here I attempt to clarify one such recent news story.

Schmeiser v. Monsanto. The raging debate(s) over GMOs and "frankenfood" continue(s). The Globe and Mail's Colin Freeze reported on 9 October 2003 that the government of Ontario is seeking to intervene in the case of Schmeiser v. Monsanto, which is slated to be heard by the Supreme Court in early January, 2004. The appeal comes after a unanimous decision by the Federal Court of Appeals that Schmeiser violated Monsanto's patent on a genetically engineered form of the plant Brassica napus, or canola.

Canola is one of the most widely-used crops in modern agriculture: it is used to make animal feed, cooking oil, industrial lubricants, and numerous other products. The company claims that Schmeiser knowingly propagated its Roundup Ready Canola after he found the plants growing on his farm. The farmer, on the other hand, maintains that Monsanto waived its rights to the patent when the plants were carelessly allowed to grow on his adjacent farm. Ontario wishes to intervene because it is worried (as we all should be) that the outcome of this case could result in the patent laws having a stranglehold on health insurance budgets.

So what? It's just a farm in "The Gap." One might ask, "Why should I care if a farmer in Saskatchewan gets sued for growing patented Canola?" Ontario is worried that a broad ruling allowing Monsanto to place claims against farmers who find the designer crop on their land could cause a dramatic increase in healthcare costs.

This anticipated extension from agriculture to medicine is not clear to anyone who is unfamiliar with the nature of the patent involved in this case. Monsanto's patent is not with the plant itself, but rather with a ▶

small section of DNA in the plant. The DNA can be inserted, theoretically, into any organism that the company wishes to render resistant to some (glyphosate-based) herbicides. If Monsanto had the technology, then, they could insert the gene into an apple tree, patent that gene in its tree-bound form, and claim rights whenever the apple tree started producing apples on someone else's farm. The possibility also exists - for a skilled drafter of patents - that the protection to apply to any organism into which the creators insert the DNA. It is the single gene in Roundup Ready Canola that is covered by the patent, not the species of plant itself.

Similar patents can currently be claimed for medically useful organisms such as insulin-producing yeast, or for therapeutically important human genes such as brca1, a breast cancer gene. It is widely held that defects in these genes, or defects in the sequences of their DNA, are the cause of many of the illnesses that are associated with them. Suppose, for example, that company X has developed a drug that specifically acts on gene A. Further suppose that X is the company that originally discovered the function of gene A, and has filed a patent on it. Company X now has exclusive control over all treatment of the disease caused by a defect in A. Ontario worries that the apparent monopoly of company X over gene A, which is a therapeutically useful drug target, will disallow that province from developing alternative treatments based upon that gene. The absence of an alternative treatment will mean that the healthcare systems will be obliged to use the undoubtedly far more expensive treatment that company X has devised.

Are these concerns of the government of Ontario well founded? A very strong defence for the holders of the patents will be that patenting a genetic DNA sequence is analogous to patenting a drug: Isn't looking for an alternative way to treat a defective gene the same as making a generic drug? Not really. There is a key difference between generi drugs and alternative treatments: the generi drug is the same substance as the patente drug, whereas the alternative form of treat ment is completely different, but acts on th same problem. To patent a gene, Ontari seems to argue, would be similar to patentin pain and claiming infringement damages fo all drugs that treat pain.

A single gene or defect therein should no be patentable because there are, at least in the ory if not in practise, a wide array of therapie that can act on it. There should be no prob lems if a company wants to produce the bes screening test for a particular disorder, and patent that. There should be no problems if a company wants to develop a fabulously effective cancer-fighting drug that improves the function of its target DNA. But to patent the very gene that that drug is intended to control, while good for industrial and commercial purposes, is to limit the scope of research and ultimately to delay the advancement of medicine. ■

Morale Low after Departure of Popular Prof

by Jeff Roberts (Law III)

The sudden departure of Intellectual Property professor, Richard Gold, has left the administration scrambling to find a replacement. At the same time, many are asking hard questions about the future quality of the school.

News of Gold's departure was announced at a subdued meeting last week. Dean Kasirer said the faculty regrets the loss but also acknowledged that it will have to be frank regarding the reasons behind the loss of another professor.

Pressed by The Quid, Kasirer confirmed rumours that Gold has indeed decided to relocate to Italy. "It is our understanding," said the Dean, "that Professor Gold has finalized a contract with Gucci. In any case, we wish him well."

Details of Gold's new contract are still emerging, but it was confirmed that his signing bonus included a full inventory of the company's fall clothing line. In addition, the company promised Gold full access to all of its accessories.

In a desperate, last minute counter-offer, the McGill Faculty Of Law promised to give Gold the Armani credit card that he had long been demanding. "I'm sorry, they had their chance," said the rising IP star, "but it's simply too late."

Rumours that Gold was not content first began emerging last winter. A colleague, who did not want to be identified, admitted that Gold had become increasingly disillusioned with the fashion crimes around the faculty. Said the colleague, "He told me, 'for crying out loud, there's guys running around with black shoes and white socks. How the hell how am I supposed to work in this sort of environment?'"

Students, too, felt affected by Gold's departure. The professor's reputation for creating wet panties in the classroom was confirmed as female enrollment had taken an unexpected drop by Monday. Reaction to the news was more mixed among male students, as several guys commented, "Maybe now I can get a date..."

The administration this week began the task of replacing Gold. It said a committee on aesthetics had been struck. And, in what many have called a sign of clear desperation, faculty council announced that the school would consider looking to Toronto for fashion advice. ■

Speak White

by Michael Rowland (Law III)

Greetings friends. The following is the second installment in our "How to avoid being an arrogant anglo stereotype" series. In case you missed the first, the point of the series is to help enrich the Quebec experience of all you well-intentioned federalists by publicly presenting viewpoints that are usually only whispered within these hallowed halls. In truth, I only intended to write one article, but a recent incident at Thomson House triggered a series of events that I thought would interest you.

A few weeks ago, I was engaging in that post-Coffee House ritual that we have all come to know and love. Of course I speak of the Thomson House piss-up, where the great minds of tomorrow meet to destroy all those extra brain cells in a deluge of microbrewery beer and sub-standard panini. On this particular Thursday evening, I stumbled over to the bar to order another drink, which I did without incident. However, my companion, thinking she was still in Quebec, made the ▶

unfortunate mistake of ordering in French. This affront was met with a rather curt and unapologetic "I don't speak French" from the bartender. Now, for those of you who do not hail from our fair city, you must understand that bilingualism, or at least a working knowledge of French, is a standard prerequisite for serving jobs in Montreal. The confidence with which the bartender so rudely dismissed us was therefore more than a little disconcerting. My guest leaned over toward me and whispered "at McGill, I guess I have to speak white."

Her comment refers to the bad old days when a menial job and a subsistence wage were all a Quebec francophone could hope for in life. When they spoke French at work, their anglophone bosses would tell them to "speak white," a phrase borrowed from white American slave drivers. It's a period in our history we would rather sweep under the rug but it still resides deep in the collective memory of French Canada. Of course, much has changed since the quiet revolution and many would say we have achieved "linguistic peace." The reality, however, is that a significant number of people still feel it is of little importance to learn the language of the majority and that the world should function at their convenience. The word "significant" is by no means an exaggeration. Not only have I have personally witnessed this phenomenon on several occasions but of the approximately ten people I interviewed for this article, every one reported that such encounters were a regular annoyance.

So, being the troublemaker / boat rocker / subversive lefty pain-in-the-ass that I am, I called the PGSS. I was directed to the PGSS house administrator, to whom I recounted the events of the preceding Thursday evening. He was sympathetic to our situation and courteously apologized. He told me that campus jobs were a much-needed source of employment for unilingual students from out of province and that because most of their clientele were anglophone, no bilingualism policy existed in their hiring practices. Seven of the twenty-two service employees were therefore unable to serve customers in French. When I asked if a policy were likely to be implemented in the near future, he was diplomatically evasive.

Feeling unsatisfied, I then referred to the beloved and reviled Charter of the French Language, a.k.a. Bill 101. The object of the statute is essentially to ensure that francophones not be told to "speak white" in their own country. Just to make sure my reading of the Charter was correct, I called the Office Québécois de la langue française – the government body appointed to enforce Bill 101. (Ironically, they all spoke English – I tested them) They informed me that my reading was correct and that the PGSS was in violation of the Charter. Now, before you run out and form a lynch mob, I must tell you that I did not file a complaint. I merely wanted to be carrying a big stick the next time I called the PGSS.

Functional bilingualism in a serving job at Thomson House requires that one learn the following: "hello, goodbye, please, thank you," about 10 cocktails, the local beers, and how to make change - not exactly rocket science.

As you might expect, their demeanor was decidedly more accommodating during our next conversation; this time, I was directed to the president. Within days, a preliminary resolution was passed requiring that a bilingual service employee be available at all times to serve students in all areas of the establishment. Moreover, a policy is now being drafted that will require all service employees to be functionally bilingual. (No one will be fired – just trained). It must be stressed at this point that no one expects everyone to be bilingual. I am not asking this bartender to translate Rousseau's *Discourse on the Origin of Inequality*. Rather, functional bilingualism in a serving job at Thomson House requires that one learn the following: "hello, goodbye, please, thank you," about 10 cocktails, the local beers, and how to make change – not exactly rocket science. If you got into McGill, you probably have the intellectual equipment to master it in a few days.

So, what's the point of all this? Why am I writing about a subject that is so unfashionable at present? Isn't everything fine? In a word- no. We are all in the midst of a wonderful waking coma, snuggling in the warmth of a Liberal government blanket and conjuring up dreams of political stability. The reality is that the sovereignty movement is still very much alive and that historically, it gains its momentum when federalist governments preside over the national assembly. (Nothing angers those crucial soft nationalists like a Quebec premier getting too cozy with Ottawa). If we are going to head off another referendum, we must recognize these problems and deal with them now. For example, when the 25% (five-year average) of francophones in our faculty are treated like they don't exist, things are not fine – and these things tend to fester. In 1995, thousands of Canadians crowded the streets of Montreal in an emotional outpouring of federalist sentiment, and my sovereigntist friends all said the same thing: "too little, too late." I guess when you've been told to "speak white" that many times, a gargantuan Canadian flag in downtown Montreal will do little to change your mind. Had the people of Canada not waited until they were threatened, (as did the PGSS) their show of unity would have appeared more sincere.

The point is that we're all on the same team. And if you think that way, there is hope for our fragile federation. In defending the rights of those we have come to perceive as the opposition, we instill confidence in the hearts of our would-be adversaries. Self-interested action has got us to this point and only the abandonment of such action will ensure that the Canada of tomorrow includes Quebec. I know that many of you out there have some pretty lofty political aspirations, and if you've made it this far, there is a good chance they will become a reality. But if we are tomorrow's leaders, it's about bloody time we started acting like it. The bartender certainly didn't. The PGSS didn't until it was forced. As long as we must be dragged kicking and screaming into progressive policy regimes, the sovereignty movement will continue to gain strength, and so it should. As of yet, it has been the most effective counterbalance to a largely indifferent and inert federal power structure. Will we become part of the cycle of stagnation, or take the initiative to include our neighbors? We need only extend a modicum of respect to our fellow citizens and if we cannot do that, we deserve to lose the country. ■

Submit to the Quid: quid.law@mcgill.ca

Micturating into the Prevailing Breeze

Canada and the *Charter*, Part 5 of 7: Corporations and Election Spending Limits

by Daniel Moure (Law III)

Last week, I demonstrated how the Supreme Court has used the *Charter* to continue its traditional hostility towards workers and unions. But the judiciary has demonstrated much more concern for the rights of corporations and the rich under the *Charter*. Unlike unions, corporations are legal persons and are therefore entitled to some *Charter* guarantees. More importantly, because no one may be prosecuted under an unconstitutional law, corporations can argue that a law that applies to them is unconstitutional because it violates someone else's rights. And the courts' many rulings striking down third-party election spending limits have also served to benefit the wealthy.

In 1984, the Supreme Court unanimously declared in *Hunter* that the provision of the *Combines Investigation Act* that authorized searches violated the *Charter's* s. 8 protection against unreasonable searches and seizures. Five years later, the court declared in *Irwin Toy* that commercial speech (that is, advertising) is constitutionally protected under the *Charter's* s. 2(b) freedom of expression because it contributes to "individual self-fulfillment and human flourishing." In that case, the Supreme Court held that a total ban on television advertising aimed at children under 12 in Quebec was a valid restriction on free speech because children are a vulnerable group. But the court later held in *RJR-MacDonald* that a total ban on tobacco advertising was an unreasonable limit on tobacco manufacturers' freedom of speech because the government had failed to demonstrate that less restrictive means would not have protected the health of Canadians equally effectively.

In *Big M*, the court also held that a federal law requiring stores to remain closed on Sundays was unconstitutional. The federal government found itself in an impossible situation in this case. The original purpose of the prohibition had been religious, but the modern, secular purpose was to ensure that families could share a common day of rest. The religious purpose violated the *Charter's* s. 2(a) freedom of religion, but the secular purpose was *ultra vires* on federalism grounds. The court acknowledged that the closing law had not violated the religious beliefs of the business that had challenged the legislation, since businesses do not have religious beliefs. But it accepted the business's argument that the law violated other people's religious beliefs, even though no one had ever stepped forward to claim that her religious beliefs had been violated.

The series of decisions dealing with third-party election spending also demonstrates the courts' concern for the freedoms of the wealthy at the expense of the rest of us. In the 1970s, the Trudeau government amended the *Canada Elections Act* to prohibit third party spending during election campaigns. The legislation was intended to ensure that elections and election issues did not become dominated exclusively by wealthy interests. But during the 1984 election, an Alberta judge struck down the legislation as a violation of individuals' freedom of expression. With the ban on election spending eliminated, the 1984 election became the most expensive election up to that date. Third party spending was even higher during the 1989 free-trade election, and most of the spending was done by wealthy pro-free trade forces.

As a result of the 1984 ruling, the federal government created a Royal Commission on Electoral Reform and Party Financing in 1988. The Lortie Commission's Report concluded that third-party spending limits were necessary to protect the democratic process, and it cited the 1984 and 1989 elections in support of its argument. It recommended a $1,000 limit on third party spending, claiming that that amount would protect the public interest without unduly restricting individuals' freedom of expression. Under the *Canada Elections Act,* political candidates and parties were subject to a "blackout" period on advertising just before an election, and the report recommended that third parties be subject to the same restriction. The federal government amended the *Canada Elections Act* in 1993 to incorporate the report's recommendations.

But in 1996, an Alberta court struck down the new limits as well. On appeal, the Alberta Court of Appeal allowed the government's blackout period, but it agreed with the lower court regarding the unconstitutionality of the $1,000 limit on third party spending. According to Conrad J.A., "[a]n important justification of the *Charter* guarantees of free expression and association, and an informed vote, is the need in a democracy for citizens to participate in and affect an election. It follows that there can be no pressing and substantial need to suppress that input merely because it might have an impact." It did not seem to bother Conrad J.A. that only well-to-do citizens can afford to spend significant amounts of money to participate in an election by paying for television commercials and newspaper ads.

As a result of these rulings, the federal government amended the *Canada Elections Act* yet again in 2000. It imposed an advertising blackout during the 20 hours before an election and increased third-party spending limits substantially, to a maximum of $3,000 in any one electoral district and $150,000 overall. Stephen Harper, leader of the Canadian Alliance, challenged the legislation before an Alberta court in 2001. The court upheld the 20-hour blackout period, but it struck down the third-party spending limits yet again. Apparently, a $150,000 limit on third-party advertising during a single election cannot be justified in a free and democratic society.

In *Thompson Newspapers*, the Supreme Court of Canada also struck down a provision of the *Canada Elections Act* that prohibited the publication of popularity polls during the three days before an election. This polling blackout was intended to protect against the potential influence of inaccurate polls just before an election, but the Supreme Court ▶

The judiciary has used the Charter to undermine the protections that workers and unions had acquired through legislation. It has also used the Charter to protect corporations from legislation imposing limits on what they can do in our society.

held that that purpose was invalid. According to Bastarache J., "the social science evidence [provided by the government] did not establish that the Canadian voter is a vulnerable group relative to pollsters and the media who publish polls. The presumption in this Court should be that the Canadian voter is a rational actor who can learn from experience and make independent judgments about the value of particular sources of electoral information.... However, no evidence has been presented before this Court that voters have suffered from any misapprehensions regarding the accuracy of any single poll. Indeed, the fact that polls conducted contemporaneously yield differing results, or that poll results can fluctuate dramatically over time, suggests that voters have experience with the shortcomings of some polls.... Voters are constantly exposed to opinion poll results throughout the election and a single inaccurate poll result is likely to be spotted and discounted appropriately.... What I have said... suggests, as a matter of logic, that there is reason to believe that, notwithstanding the scientific "aura" of polls, the Canadian voter is likely to be aware of a seriously inaccurate poll. Indeed, the more serious the inaccuracy, the more likely the awareness of the error."

Bastarache J.'s hypothetical-deductive syllogism is revealing. According to Bastarache J., the court must assume that the Canadian voter is a rational actor. Rational actors recognize that a single poll may be deceiving. *Ergo*, the Canadian voter is likely to recognize that a single poll may be deceiving. Bastarache failed to note that the Supreme Court declared in *Zundel* that deliberate falsehoods are a protected form of speech under the *Charter*. Even so, newspapers, a rational actor must assume, would never attempt to deceive the public with a single false poll, much less collude with each other in publishing a series of false polls, just before an important election. And even if they did try, Canadians, the court must assume, would be rational enough to know it.

Provincial spending limits have also been struck down by the courts. In *Libman,* the Supreme Court held that spending limits imposed in Quebec during a referendum were unconstitutional. It failed to mention that those who stood to benefit most from the ruling were the wealthy, pro-Confederation forces that won the 1995 referendum by only 0.6 per cent. Canadians widely recall that Jacques Parizeau blamed the sovereigntists' loss on "the ethnic vote," but we seem to have forgotten that he actually blamed it on "money and the ethnic vote." And in 1998, a British Columbia court also struck down third party spending limits on provincial elections. The limits were unjustified under s. 1 of the *Charter* because the government failed to provide empirical evidence demonstrating that limits were necessary to protect the democratic process. British Columbia had also required newspapers to publish methodological information along with popularity poll results during elections to ensure that readers could gauge the reliability of the polls. But the court held that that requirement amounted to "forced speech" and therefore violated newspapers' freedom of speech. Once again, we must be comforted by the fact that newspapers would never try to deceive the electorate before an important election, even in British Columbia, where the two major dailies in the province, both owned by the same company, had demonstrated an ongoing antipathy towards the governing New Democratic Party, an antipathy that bordered on hysteria.

The judiciary has used the *Charter* to undermine the protections that workers and unions had acquired through legislation. It has also used the *Charter* to protect corporations from legislation imposing limits on what they can do in our society. And it has used the *Charter* to strike down legislation imposing limits on third-party election spending. Nonetheless, *Charter* cheerleaders may argue, the *Charter* protects vulnerable minorities from discrimination by the majority. Unfortunately for the cheerleaders, the post-September 11 record in Canada undermines even this claim. ■

Next week: Part 6, The Muslim Menace

Sources:

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Obiter Dicta

by Jason MacLean (Law I)

The It's-Never-Too-Late-to-Give-Thanks-Edition:

As I stood last week atop the commanding heights of Peel and Penfield, I breathed deeply the last gasps of fall while contemplating the order of things (for some reason I like to do this on Thursday afternoons before Civil Law Property). Something is rotten in the state of McGill Law, I surmised, something rank, something repugnant, something redolent of betrayal. I surveyed the foothills beyond the gates for some sign of the barbarians, but to no avail. The enemy, I realized at once, is inside. The enemy is me.

Maybe it all came a little too easily, a little too fast. The fame, the fans, the 10% tuition discount offers from U of T Law. When I initially conceived of obiter dicta, not even in my wildest dreams - which featured, among other things best left unsaid, 5% tuition discount offers from U of T Law - did I dare imagine this, the craze, the hype, the Britany rumours (all false save one). Yes, it was hubris that spelled my fall from glory and grace.

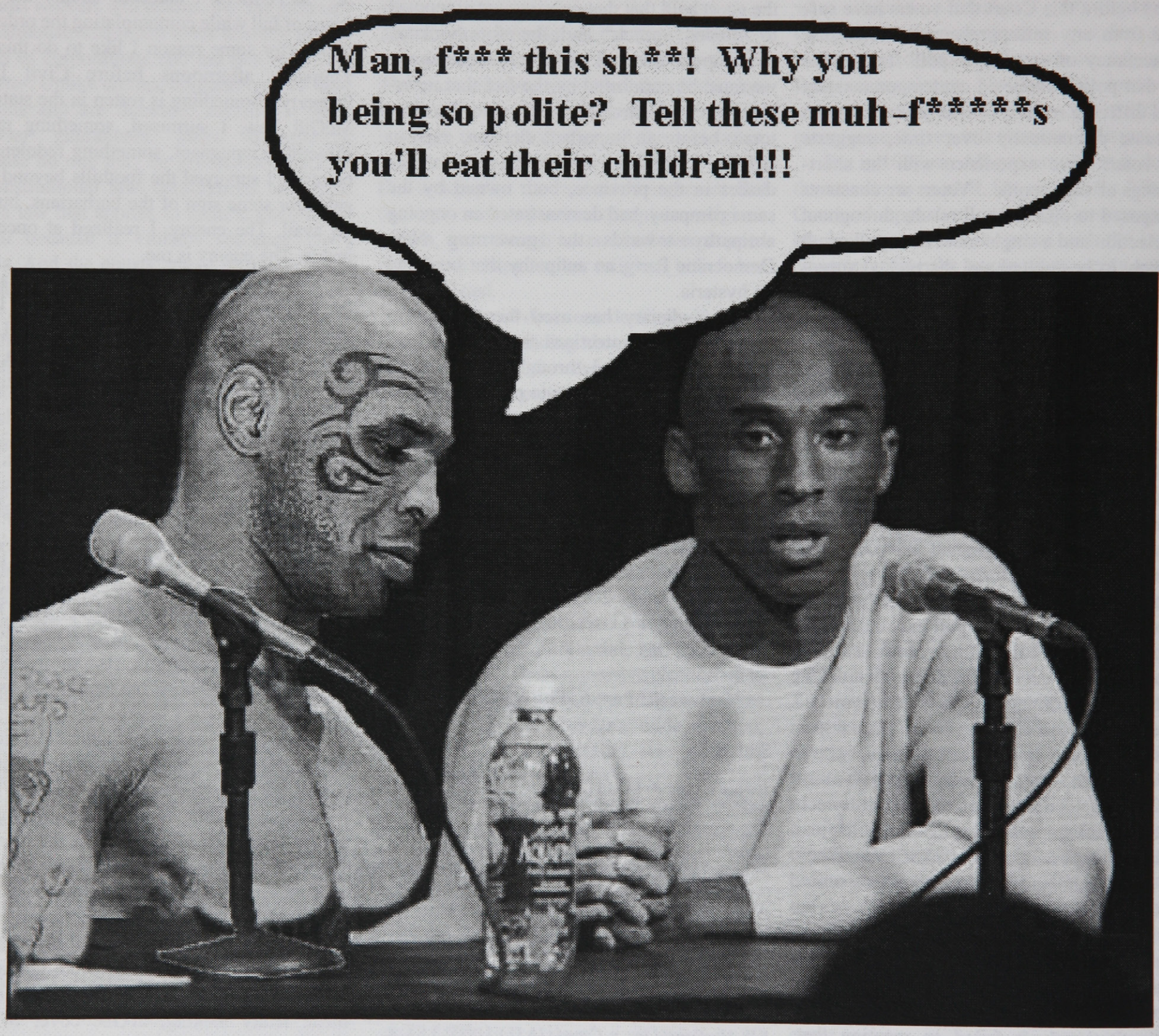
I'm talking about my pre- and not a little bit immature dismissal of the Canadian Guide to UNIFORM LEGAL CITATION / Manuel canadien de la RÉFÉRENCE JURIDIQUE (5e édition). Also known in this column as the red book but hereinafter as the Guide.

Indeed I did more than dismiss it. I said it blew, and I said so repeatedly in some sort of sordid pre-Freudian psychotic episode. In a regrettable modification of the reasonable person test, Lord Denning is of the opinion that my actions are to be compared with those of a reasonable ass of low intelligence but, regrettably, of considerable experience.

A week after finishing both the case comment and my latest rounds of the late night talk shows I finally got around to looking, I mean really looking, at the cover of the Guide, whereupon, stricken with Oedipal-like guilt and shame, I read the words McGill Law Journal and, beneath those, for trans-systemic effect, Revue de droit de McGill. What had I done?

The enormity of my sin hit home upon reading in Mr. Timothy Reibetanz's preface to the Guide that: "This edition of the ▶

In these tough times, Kobe has found support from a man who knows a little thing or two about...



Guide was revised over the course of one academic year, in addition to the four regular issues of the Journal." Damn: I struggled mightily with a punk-ass seven-page case comment and these student-editors put out four issues of a law journal and a revised citation guide that has been officially adopted, at last count, by no less than 33 law journals and courts. I don't know about you, but this strikes me as a somewhat impressive accomplishment.

And so I apologize to each and every student, librarian, production assistant, professor, judge, legislative counsel, research director, editor, lawyer, and, not least, each and every McGill Law Journal / Revue de droit de McGill member, whose combined efforts helped create a guide to clean up the dog's breakfast I normally make of my citations. I was ignorant and wrong to criticize the Guide, and I am sorry.

(Upon further reflection and a sobering second reading of my case comment, I might have paid a bit more attention to that PowerPoint presentation, too.)

While it is hard to imagine a more unheralded task than the compilation of a legal citation guide for a reluctant and unappreciative student like me, there are in fact many such tasks, and they are accomplished everywhere about us in the faculty each day. Accordingly, in this special, unprecedented feel-good edition of obiter dicta, I want to single out and give thanks to a few of the unsung contributors to the faculty, including Harold, Inga, and the rest of the library team, Jean, of Pino & Matteo's, who always has a smile at the ready first thing in the morning and who without fail calls me "dear," all of the members of the cleaning corps, and (why not?) Ron, steadfast keeper of the cleanest, driest computer lab this side of Waterloo (keep reading). We could not do whatever it is we do without you, so thank you all!

A shout-out is also due to Bram Abramson, who not only knows how to throw a good party but is the founder and captain of the Superior Force D-league Law Faculty ice hockey team. Superior Force is without a doubt playoff-bound, despite their want of consistent goaltending, and their certain success is due to the diligence and leadership of B.A. And a big-up to Anthony Lemke, founder and organizer of this year's Law Faculty squash ladder.

Finally, I want to give thanks to the Admissions Office who, by giving me a home here at McGill Law, saved me from three years at the Bill & Melinda Gates School of Anti-Anti-Trust Law @ the University of Waterloo which, unbeknownst to that beacon of the North, that conduit of Canadian Cool, The Globe and Mail, does not actually exist (yet). ■

Dalton Who?

by Carl Dholandas (Law I)

BOOK REVIEWS

Geoffrey Stevens, *The Player: The Life & Times of Dalton Camp,* Toronto, Key Porter Books, 2003.

His name was Dalton Kingsley Camp. He was unknown to most Canadians, but he played a greater role in the organization of electoral and partisan politics in Canada than almost any other unelected political figure in the 20th century.

He was the son of a New Brunswick church minister. Schooled at Acadia before the war, and afterwards at UNB, Columbia University, and the London School of Economics (on a Beaverbrook Scholarship), Camp became a journalist. Active in politics throughout his professional life, he achieved renown as an election campaign strategist. Between political endeavours, he raised money to pay his personal bills through his writing - much as Winston Churchill had done. He also ran, along with his brother-in-law and political protégé (now Senator) Norman Atkins, one of the more successful small advertising practices in Toronto.

As a young man, he was highly active in the Liberal Party of Canada. However, while at the LSE, he came under the influence of the socialist intellectual and Labour party executive Harold Laski, who had lectured at McGill and followed Canadian politics with interest. Laski advised him to become a Conservative if he could not embrace socialism.

Upon his return to Canada, the young war veteran became increasingly involved in the politics of the Progressive Conservative Party. Successfully applying new communications techniques to campaigns in several provinces, Camp rapidly became known as a veritable political professional, and was called upon to manage general election campaigns for the likes of John Diefenbaker.

In *The Player*, author Geoffrey Stevens presents the political junkie and the general reader alike with an accurate account of the political backroom world that the Camp dwelt in throughout his political career. It was a world that Camp mastered, a world full of "yahoos" (populist Diefenbakerites whose influence Camp drastically diminished) and "termites" (the intra-party opponents of Diefenbaker, initially in disarray, that Camp eventually managed to coordinate).

Some of the stories Stevens has unearthed might shock the sensibilities of most. Apparently each of about 10 of Camp's disciples carried in his wallet a single playing card - a Spade. The Ace of Spades was held by none other than Camp himself, which implied that he was to suggest or even direct the course of action of his friends during times of political ferment.

To the reader this organization might seem almost like that of a cult. However, what is remarkable about Camp's followers was that their approach to politics was non-ideological and devoid of dogma. Their definition of partisanship was also flexible. In their struggle to oust John Diefenbaker, they showed that they were capable - though not eager - to stand against the leader of their party if they believed that he would not listen to reason. On the other hand, their loyalty to each other and to Camp was clear.

Is Dalton Camp really a politician? A few of us have heard that he ran for parliament twice (unsuccessfully in 1965 and 1968). Stevens exposes a side of the man that younger political types often ignore. Incredibly, it emerges that the master strategist did indeed have pretensions to the throne. In 1967, Camp was trying to convince moderate Nova Scotia Premier Robert Stanfield to run for the leadership of his federal party. While the modest Stanfield hesitated, the "Ace" began to muse quite seriously about seeking the leadership for himself, and started to prepare his own campaign. Stevens reports that Camp was absolutely shattered when Stanfield, after informing him that he would not run, unexpectedly changed his mind. Nevertheless, the loyal Camp played a prominent role in plotting strategy for Stanfield's successful campaign.

If he is not a typical candidate politician, what is the difference between Camp and most other behind-the-scenes political "organizers?" He had strategic brilliance, communications savvy, and served as president of a national party. However, if his accomplishments stopped there, he would have simply been one of many fixers who have crossed the political stage - behind ▶

the curtains - over the years. The truth is that Camp had more.

Through initiatives such as the Fredericton Thinkers' Conference, arranged against the will of then-leader John Diefenbaker, Camp strove to modernize and urbanize the policy of his party by inviting intellectuals having a variety of different points of view to address the party. His role in the ousting of John Diefenbaker made him an icon, the political strategy equivalent of Marshall McLuhan. Through the process of leadership review - now universally embraced by all parties - he changed the relationship between the leader of a party and its membership in a way that broadened the activist core and the scope of its duties and privileges. He brought young people - including at least two future prime ministers (Clark and Mulroney) - into the very thick of politics in a way in which they had never been involved before.

He was a man of ideas and a major modern example of Red Toryism. A widely-respected writer and columnist for a wide range of publications until his very last years, he is described by Stevens as "cerebral." Camp was principled but did not fully embrace any single ideology to the exclusion of others. Especially in his later years, he put what he saw as the public interest ahead of partisanship. He was criticized for the vitriol with which he attacked some of his fellow Tories - sometimes rightly, at other times wrongly.

Though professionally and financially successful, he was not a perfect man. Indeed, the author exposes some of the more earthy aspects of the life of Camp. He married several times and had difficulty remaining loyal to any of his personal companions. Stevens portrays him as a rather remote father who was unable to reconcile fully - or stay in touch with - his children, though he was always fond of them. While in Toronto, he lived a fast-paced life that was typical of many of his advertising colleagues. It was the combination of this unhealthy lifestyle and a major illness that led to his eventually requiring a heart transplant - conducted by Dr. Wilbert Keon, a Senator.

I met Dalton Camp in the summer of 2000 at a dinner given in honour of the Rt. Hon. Robert Stanfield, who had benefited greatly from Camp's service both in Nova Scotia and Ottawa. We had a chance to speak briefly about one of his principal journalistic writing interests at the time: the disturbing rise, as he saw it, of right-wing extremism. In response to my compliments on his columns, his still-cherubic face lit up and he chuckled with gently mocking glee - no doubt detecting my uncharacteristically transparent attempt to flatter. Nevertheless, pleased that he was still making waves, he proclaimed that he had plenty more material in store on that subject. As we posed for photographs, I realized that so late in life he still had the proverbial fire in the belly. A master observer, he was still a "player" in the game of politics, true to the title bestowed on him by author Geoffrey Stevens.

Dalton K. Camp died in his native New Brunswick in March of 2002, only a few weeks after the death of his longtime friend and collaborator, Senator Finlay MacDonald. To his critics and opponents, and also for the benefit of all who became concerned that he went too far at times in his vitriolic - albeit reasoned - attacks, it might be useful to borrow a quotation from his own article written on the death of John Diefenbaker. Of the former Prime Minister, Camp wrote, "he had the qualities, flaws, foibles, and raw courage becoming only to figures of mythological proportions.[1]" Judging by the number of hacks who secretly aspire to the same kind of mastery that he had, it seems that many of his detractors might agree.

Let us not exaggerate. Neither his mythical proportion nor his contribution was that of a statesman, for that title may be in our parl ance reserved for those in office who guid the country and nourish the citizen imagina tion at critical times. They were, however those of a public man and a professional t whom there were more important considera tions than simply the securing of advertising contracts. Through both his writing and his political involvement, he navigated his way across the stage with skill, grace, witty eloquence, and even a bit of vision. As Geoffrey Stevens muses, some have suggested that the Camp - Trudeau dialogue would have been even more rivetting than that of Stanfield and Trudeau. Perhaps he should have sought elected office again. ■

To the reader this organization might seem almost like that of a cult. However, what is remarkable about Camp's followers was that their approach to politics was non-ideological and devoid of dogma.

Part 2 of the Book Review series on Canadian Political Biography will feature the memoirs of Eugene Forsey, a widely-respected CCF parliamentarian.

Books By Dalton Camp:

Dalton Camp, *Gentlemen, Players, and Politicians*, Toronto, McClelland and Stewart, 1970.

Dalton Camp, *Points of Departure*, Ottawa, Deneau & Greenberg, 1979.

Dalton Camp, *Whose Country is this Anyway?*, Vancouver, Douglas and McIntyre, 1995.

Dalton Camp, *An Eclectic Eel*, Ottawa, Deneau, 1981.

By Geoffrey Stevens:

Geoffrey Stevens, *Stanfield*, Toronto, McClelland and Stewart, 1973.

[1] Article by Camp of 16 August 1979, reprinted in Dalton Camp, *An Eclectic Eel*, Ottawa, Deneau, 1981, p. 26-28 at 28.

Why McGill Law Mourns Joe Strummer

by David Perri (Law II)

Joe Strummer died last December. His death was a shocking, hurtful affair, one that wasn't supposed to happen for another long while. Strummer was a mere 50 years old, a rejuvenated musician engulfed in a deluge of fresh hope via his new band, The Mescaleros. The former leader of punk-reggae-dub rockers The Clash was basking in the glow of a second wind, at a musical and lyrical peak only the fine-tuned graces of age can bring. And, just like that, London was Calling no more.

Why am I writing about this now? It has indeed been almost a year since the news, and you'd expect some sort of closure on my part by this point. And while the sense of loss has ebbed, Strummer's last piece of work was released today, October 22. The record is called Streetcore, and its take on life is striking.

My initial listen to Streetcore was at school. I had just bought the album and was experiencing it on my discman as I walked ▶

through the fortress that is McGill Law. Strolling the halls, the usual panicked rhetoric was abound. The intensity only people very, very worried about their futures can exude was omnipresent. But Strummer was singing to me about life and its well-worn qualities and, for a second, the grand perspective was all too clear.

Strummer lived his life on his own terms. He regretted that the Clash fell apart but he also staunchly defended the band's legacy, including the ill-fated triple-LP Sandinista. Amidst the chatter of picking up the latest assignment at OUS, or heading to the library to be more productive, or about job interviews, Strummer's poignancy screamed "live!" It pointed to being visceral, and it underscored that achievement and merit are both derived and earned through hard work, but the real lesson at the end of the day is wisdom. The wise are those who use hindsight to direct themselves before the events have actually taken place. Strummer was wise, and yearned to keep things in perspective. 50 years may be all that you've got.

This all sounds so clichéd, and I apologize for that. In my attempt to be articulate I've ended up with nothing more than Human Resources/work-life balance corporate speak, even though this wasn't my intention in the slightest. Strummer and Streetcore are about living after the worst. Musician and record alike celebrate the essence of being, one that doesn't revolve around what's right in front of you: Joe's challenging whoever is still listening to take a step back. I suspect Streetcore is such a content, redemptive record because Strummer always lived by his own words. If only the rest of us were so bold. ■

Red Devils Rule in Laval

by Stephen Panunto (Law IV)

[This article was originally published in last year's Quid.]

Another Law Games has come and gone. I'm not going to tell you whether it was enjoyable or not, you can ask the participants themselves. Personally, I had a ball and wouldn't trade the experience for anything in the world. I will mention, though, that we won the Academic Trophy thanks to Jason Crelinsten's winning public speech (along with Jeff Feiner's runner-up placing), and Dinesh and Vinay's moot win. Based on the four-days of activities, I present the "McGill Awards" for the participants and those of you interested in such things:

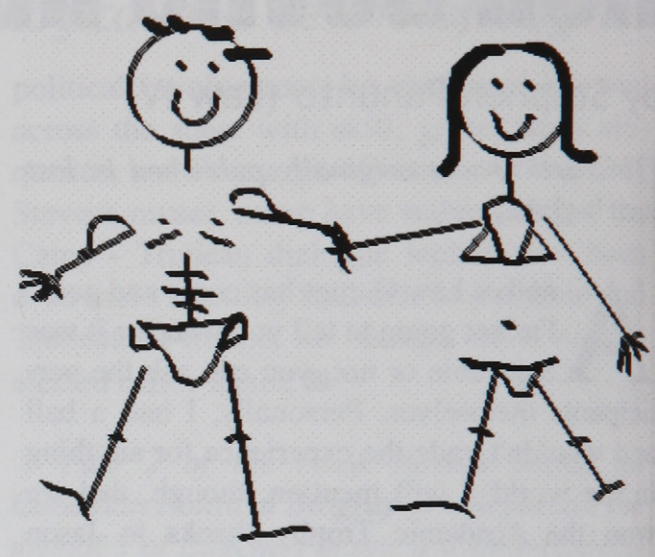
Nawel - "Sequined Disco Queen" Award for her outfits.
Frederique - "Picasso" Award for our win in wall painting.
Jessica B. - "Most dedicated LSA exec" Award for missing 2 days of Law Games to run Coffee House.
Tim - "5am hall hockey" MVP.
Gino - "Ringer" award for helping CAS out in soccer.
Andrea - ½ of 'knee-brace twins' wins the ice hockey MVP.
Dora - other ½ of 'knee-brace twins' wins Basketball MVP.
Stephen C. - "Moonlight Spooner" Award.
Renee aka 'Oz' - Most Valuable ex-con/athlete.
Emilie D. - "Heavy Drinker" Award.
Erin E. - Sexiest Raspy Voice.
Catherine F. - "AAA" Award (Aerobics and Alcoholics Anonymous).
Carol - "For every captain there's a better woman" Award.
Eva - "Strawberry Quik" Award for her pub crawl performance.
Jessica H. - "Best Dodger" Award for her dodgeball performance(s).
Mike - Best Trash Talker, if you can beat that, SUCKA.
Kristina - Was going to win "Best Outfit", but since it didn't qualify, she retains Best "(Cherry) Spitter" Award.
Jeff - "Definitely Swallows" Award for his performance in Cherry Spiting.
Paul - "Pub Crawl Spirit" Award for his grace in defeat to UQAM.
Stefanie - Ball hockey MVP for showing those guys from U of T how it's done.
Patrick - "Caught Red-handed" Award for his dedication to Wall Painting.
Kerwin - Heisman Trophy for leading us to the Football semi-final.
Howie - "Unknown member of Destiny's Child" Award for his musical performances.
Ali Lester - "Patronizing with the enemy" Award for her date with a Laval boy.
Steven - "Drinking like a true Maritimer" Award for massive rum consumption.
Hanna - Default Snowboarding MVP since it wasn't actually a Law Games sport.
Joe and Joseph - Co-winners of the "Strong, Silence Type" Award.
Lindsey - Best Timing for several very public renditions of Happy Birthday.
Dinesh and Vinay - Co-MVPs of Team Brown for bringing home the Academic Award.
Emily M. - "Thickest Skull" Award for taking a soccer ball in the head without flinching (much).
Tyson - Best Candystripper for helping Catherine around .
Robert - Casanova Award for ???.
Ian - P.D.A. Award for ???.
Will - "Frosty the Sweet-tooth Snowman" Award for his snowman building acumen.
Tristan - "Burning the candle at both ends" Award for his contributions day and night.
Camille - "Beer-guzzling Karaoke Queen" Award for her pub crawl performance.
Sam - Best dressed and Badminton MVP for his singles performance in a doubles tournament.
Karine - "Best Feet" Award for her awesome massages.
Poseidon - "Gatekeeper" Award for showing us the Secret elevator; charter member of 1010-4-life.
Elan - "Artistic Merit" Award for his inventive sleeping positions.
Eleasha - Most likely to be woken up at 4:30am and most likely to lose her key .
Adam - "Nice Guy" Award, because no one had any idea how to make fun of him for this list.
Rufina, April, Marie-Claire and Jocelyn - "Party Pack" Award for contributions to beautifying McGill's delegation.
Jason - "Butterfingers" Award for blowing Kerwin's trick play.
Lynne - Most coachable player for her positive attitude in Ice Hockey.
Nancy - "Creative Compression" Award for turning 18 people into one 6-person volleyball team.
Justin - Most Aptly Named thanks to his ample supply of tequila.
Adrien - "Quitters Don't Quit" Award for not smoking.
Prunelle, Caroline, Veronique et Catherine - Prix de Bilingism passif pour leur représentation francophone.
Stuart - "Sleeping Beauty" Award for his early risings.
Jessica, Ally, Kathleen, Dora, and Christa - "Anti-social" Award for being "above" the rest of us.
Boris - "Espionage" Award for hanging out with Laval more than McGill.
Mitch - "The McGill Uniform" Award for managing to never be seen in one (clashed with your hair, right?). ▶

Erin S. - "Abs of Steel" Award for her Aerobics performance.
Hilary - Most Valuable Captain for leading the Ultimate team to the finals.
Andrew - "Hard Core Athlete" Award for being a multi-sport star.
Marianne - Rookie of the Year for her 2nd place squash performance.
Bryan T. - "Marc-Andre Fleury" Award for standing on his head while his stomach was turned.
Ami - "Ultimate Ultimate" Award for his parking lot performance.
Pascal - Best Party Starter and 1010 star.
Peter - Most likely to wake someone up at three-thirty AM.
Trina - Best able to assume compromising positions for her twister performance.
Lizanne - "Firestarter" Award for her ability to get the fire department up to the 10th floor with only water.
Catherine B. - "Cutest Gimp" thanks to her ankles.
Tara - "Most Grace while sitting on a floor in a skirt" Award.
Ken - "Roomiest Room" Award thanks to Erin, Michelle and Lisa.

One last thing to everyone who attended: thanks for making this year's Law Games one of the most enjoyable experiences of my life - I'm so glad I could be a part of that group! ■

Top Ten List d'indispens-ables à ne pas oublier aux Law Games

par Catherine Bleau (Law III)



C'est entendu, pas besoin de grand chose pour faire la fête, encore moins pour la re-faire le lendemain et le surlendemain. Vous avez pensé amener une ou deux (ou trois) bouteilles de votre liqueur favorite, une caisse de bière pour partager avec les voisins de chambre - c'est réglé. MAIS, si vous êtes de la VRAIE merde, comme vous dites en anglais, si vous êtes assez tough pour aller frapper les fesses des UofT et des " L-A-V-A-L Laval est là let's go ", il faudra penser ajouter ces merveilles dans vos valises faites le lendemain du lendemain de veille du party de la veille du jour de l'an :

1. Des Tylenols - la grosse bouteille d'extra-forts : vous voudrez partager avec vos co équipiers, surtout le Colombien en échange qui est aussi bon pour caler les tequilas que pour caler la balle dans le but de soccer mais il ne se sort pas du lit, il est pas habitué à la Tequila cheap du Québec.

2. Une boîte de Hop n' Go aux dattes : parce qu'on n'a pas le temps d'aller déjeuner ni d'aller dîner avant les 5 finales une à la suite de l'autre. Parce que si vous ne faites pas de sport, vous devez nourrir vos athlètes, c'est comme ça.

3. Un chaudron et une cuillère : pour aider Zeus à réveiller les troupes parce qu'à 5 au hockey-balle à 8h, ça fait mal (et il arrive que ça donne envie de donner une claque en arrière d'la tête à l'épais de l'UdeM qui fait une p'tite remarque sexiste parce qu'il n'aime pas se faire battre par une fille) - Ok, peut-être pas la claque avec le chaudron.

4. Des bonnes bottes d'hiver, plusieurs paires de bas de laine, une tuque et des gants pas cheap en coton : les games de football, de ultimate freesbee et une foules de fun games (construction de bonhommes de neige, necker avec le voisin de chambre) sont à l'extérieur. " Cartier, Cartier, Ô Jacques Cartier, si t'avais voyagé à l'envers de l'hiver… ". Le ballon de foot glisse avec les gants de cotton.

5. Un bikini à triangles ou un speedo : ben, pour impressionner dans le Jacuzzi de l'hôtel et pour déconcentrer l'autre équipe au Waterpolo (c'est sur des " trippes " (tubes) alors on voit TOUTE). Pour des conseils judicieux, téléphoner à Mandy de UofT qui voulait m'emprunter ma serviette.

6. Un sac-à-dos et un cadenas : pour la journée dans le complexe sportif, pour ranger les vêtements d'hiver pendant la game de soccer et les souliers de course pendant la game de ultimate dehors. Pour garder sa serviette hors de la portée de Mandy.

7. Un crayon et une main : vous n'aurez plus la capacité de vous souvenir de son nom ni de son numéro de chambre.

8. Du tape blanc : pour les doigts (basketball), les chevilles (on peut s'en parler), les bas de hockey, pour attacher au banc celui qui n'arrête pas de faire la passe à l'autre équipe.

9. La carte d'assurance-maladie : j'ai vu une lèvre à recoudre (2001), une main à ressouder (2002), une épaule à replacer (2003) et des gens qui avaient toutes sortes de couleurs vers la fin du séjour. Juste au cazou vous seriez pas raisonnables.

10. Des bouchons : pour dormir entre 5 :00 et 7 :30 am et ainsi avoir un avantage sur UofT et Laval. C'est pas qu'il me reste certaines rancunes au cours des années, mais vous verrez que les amis de l'Ouest et ceux des Maritimes sont bien plus….. moins….. En plus ils nous laissent gagner en ne se présentant pas aux semi-finales.

Re-lisez, conservez et pensez à moi de Halifax. Je serai en route pour mon échange à l'autre bout du monde, je rongerez mon banc d'avion après 20 heures de vol en pensant à notre glorieux retour de Calgary en première classe, aux succès non moindres chez nous en 2002 et aux déboires à Québec de l'an dernier.

Il y a aussi tout ce qui se vit et qui ne se dit pas. Vous verrez. ■

2004 HALIFAX LAW GAMES SILENT AUCTION

If you were not at Coffee House last week, you can still bid on the following items until this Thursday, by either adding your name to the sheets inside the LSA office, or by emailing vp-athletics.lsa@mail.mcgill.ca with the lot number and the amount of your bid. The highest bid wins!

Lot #1: Lunch with Dean Foster	Value: *priceless*
Lot #2: Lunch with Dean Kasirer	Value: *priceless*
Lot #3: Lunch with President Pascal	Value: *priceless*
Lot #4: One hour of computer consulting with RoN	Value=$75
Lot #5: Karmo Light Fixtures	Value=$30 (2 winners)
Lot #6: $50 gift certificate for CASA GRECQUE	Value=$50
Lot #7: Foxy Originals Missy Necklace	Value=$30
Lot #8: Foxy Originals Funky Necklace	Value=$30
Lot #9: Foxy Originals Lariat	Value=$25
Lot#10: Foxy Originals Lariat/Choker	Value=$25
Lot#11: 1 Free Coffee per day for a month @ Pinos	Value=$37 (2 winners)
Lot#12: Gift Certificates for Peel Pub	Value=$50
Lot#13: Gift Certificate for Bijouterie St. Bruno	Value=$50
Lot#14: Tree Planted in Your Name	Value=$18 (5 winners)
Lot#15: Two Passes to Biodôme de Montreal	Value=$20
Lot#16: Two Passes to the Musée des Beaux-Arts	Value=$24
Lot#17: 3 Passes to Golf Dorval	Value=$120

You can take a look at any of prizes at the LSA office!

A Somervillian Proposal

by Edmund Coates (Alumnus II, for P.H.)

Now that couples can join by civil union, Canadian law should restrict its future bestowal of the title "marriage" to the relationships of middle-class, and better, couples. The focal purpose of marriage, as an institution, is to protect and nurture children. A class restriction on entry to marriage, our state's symbolically richest relationship status, would endorse what tradition recognises as best for the children.

Children have a moral claim to be raised in circumstances that give them a good level of present comfort and stimulation, as well as a thorough preparation for later life. The best circumstances for procreation prepare the child to command a generous supply of society's resources (including the personal service of others, respect, and interesting work). Your chances to get this preparation dim ever more, the lower you fall below the threshold of middle-class income. This truth will intensify in the future, as the United States' trends in the economy, social stratification, and "government as business" radiate more and more and more deeply in Canada.

For thousands of years, marriage has centred on a trade in women. In recent times, this trade has faded away, for our culture at least. However, the goal that lay behind the trade in women still structures our culture's ideal for marriage: procreation. Granted, people get married for all sorts of reasons. Some married couples chose not to procreate, some are unable to procreate. Couples often stay married even when their children reach adulthood and move away (or even when the children have predeceased the parents). But these relationships are derivative forms.

Marriage has a special symbolic status in our society. This status has lost some of its magnetism in recent decades, but we could restore this magic, and even add to it, by proper ennoblement of marriage's ideal mission. When we think about how society's symbolic institutions should be deployed, we have to think in terms of the general, the average, the norm. We should reasonably accommodate exceptions, but we cannot centre our institutions on the exceptions, or expect our institutions to promote the exceptions.

We need to consider the general situation of children raised in poor households. Most of the parents' time and energy is gobbled-up, just in holding things together from day to day. Parents under such constraints will not have much time or energy to stimulate their small children, or, later, time and energy to encourage their children's schoolwork. Children may even be pushed to do unstimulating work as soon as possible, to help support the household. They may be pushed to set-up on their own, even before they have a chance to complete high school. Some of these children are also inadequately nourished (witness the school breakfast programmes in a number of poorer neighbourhoods).

In contrast, middle-class parents will typically have much more resources to lavish on their children's early years, adolescence and even university. When the parents themselves do not spend much time with the children, the parents can lavish the attention of others on them: nannies, first class private schools, ballet teachers, therapists, detox centres. A trend that has started in New York, but which I imagine will sooner or later make its way to Canada, is children's concierge services (to look after your children's scheduling for you: from the mini-van that drives them to their math tutor, to the food delivery service on the nanny's or maid's day off). More subtly, middle-class, and better, parents can model success for their children. Given the class structure's tendency to reproduce itself, those who start off in the middle-class, especially in the upper-middle class, tend to stay there through the course of their lives (with perhaps a slight dip along the way or towards the end of old age).

Fairness suggests that we allow the poor, whose relationships have already been recognised by the state as marriage, to keep this distinction. But we do not owe any such regard to the poor who have not yet taken advantage of this title of honour. Most provinces require couples to get a marriage licence, so it would be easy to introduce a crude means threshold (based on each projected partner's last income tax return, for ▶

example). Other couples could still form state-recognised legal relations, under the less distinguished name of "civil union". Of course, the state would still allow religious organisations to perform what ceremonies they like, and would allow the organisations to call the ceremonies "marriages" (even if the couple had just been able to obtain a civil union licence). But the bonds formed in a religious ceremony would only be recognised by the state as qualifying for the title "marriage" if the couple had obtained a marriage licence, that is, if the couple had shown that life had equipped them with sufficient material means to best achieve the goal set by the ideal of procreative marriage.

This economic restriction on the title marriage is just as fair as the high fees that the Federal government introduced in recent years for those who wish to pass from landed immigrant status to Canadian citizen status. Canadian governments should follow, in marriage, the approach they now take in so many other areas, abandoning the inefficient approach of seeing people as citizens, for the efficient, quantitative, approach of seeing them as consumers of government services (just like law practice is now "the legal services industry"). When you serve consumers, you have to aim to please those consumers whose wealth or other resources permit them to be fickle.

Finally, when the state associates the title "marriage" to a moderate level of privilege, advertisers, our culture's strongest influence, will likely work marriage back into the fantasies that they broadcast into our imaginations. Those who from our infancy water the seeds of selfishness, consumption and calculation, would for once serve our society's ideal of the child's best interest.

Afterword

To argue against opening state marriage to same-sex couples, Prof Somerville uses the premise that the ideal mission of marriage is procreation. For her, all rests on the intuition that the child has a strong moral claim (she calls it a right) that her biological parents have a role in her life. In fact, biology is accessory. The value of knowing the person you are biologically linked to, the value of having a relationship with them, is largely derivative of what kind of person they are. The child of a serial rapist, or simply the child of parents who despise their son because he is gay, despise their daughter because she is lesbian, would likely be far happier not to know their parents. The value of same-sex parenting, in a given case, flows in exactly the same way from the character of the parents.

Same sex couples that are raising a child can welcome the "biological parent" who is not a member of the couple to take an active role in the child's life. In fact, you see this in a good number of cases. This biological parent often enjoys a closer relationship, with the child, than is the situation after a heterosexual couple divorces (or in the cases where one, or, heaven forbid, both, married parents are Bay Street lawyers). And, after all, every child born to a same-sex couple is a wanted child.

Note: for an example of a piece which sneers at the writers who respect their readers and who treat subjects with the varying level of seriousness which they deserve, c.f., Michelle Dean. "On the Kwality of the Quid". Quid Novi. (14 October 2003). For a histor cal perspective on proposals to restrict acce to marriage, c.f., J.G. Snell & C.C. Abee "Regulating Nuptuality: Restricting Access Marriage in Early Twentieth-Centur English-Speaking Canada" 69 Canadia Historical Review (1988) at 466; for a tracin of the nearly arbitrary origins of the concep of the "poverty line", c.f., I. Hackin "Façonner les gens : le seuil de pauvreté" i L'ère du chiffre. (Sainte-Foy, Quebec Presses de L'Université du Québec, J.P Beaud, J.P., Prévost, J-G. (eds.), 2000) at 17 for an alternative to the amorphous best inter ests of the child test, c.f., S. Brennan & R Noggle "The Moral Status of Children Children's Rights, Parent's Rights, and Family Justice" 23 Social Theory and Practice (1997 at 1. The Hacking piece is not in the McGil collection, but I will gladly send a copy to anyone interested. coatesq@hotmail.ca. ■

Anti-Semitism Abroad, Anti-Semitism at Home

by Adam Goodman (Law III)

It is refreshing to hear the blunt honesty coming from Mahatir Mohammed, Prime Minister of Malaysia and a key ally in the war against terrorism. At last Thursday's annual meeting of the Organization of the Islamic Conference, the good prime minister reminded the world of the dangers emanating from that small cadre of cunning conspirators who secretly manipulate everything to serve their interests. According to an unrefined version of the same adage that Europe has been openly adhering to for centuries up until the liberation of Auschwitz, Prime Minister Mohammed reminded us that the Jews run the world.

At his most candid, Prime Minister Mohammed noted, "Jews rule the world by proxy. They get others to fight and die for them." However, there were other gems in the speech including his discovery that Jews "invented socialism, communism, human rights and democracy, so that persecuting them would appear to be wrong, so that they can enjoy equal rights with others." Calling for a final defeat of Muslims over Jews, the prime minister declared that guns alone could not defeat the Jews and that Muslims would have to emulate their enemy and "use our brains as well."

The reaction from around the world was swift. Our own Foreign Affairs Minister Bill Graham criticized the comments as "unacceptable." While the response of Western states was quick and contemptuous, only Israeli diplomats seem not to have been surprised. As one Israeli Foreign Ministry spokesman put it, "It comes as no surprise that in a summit like this there is a search for the lowest common denominator among the members, which is Israeli-bashing." Indeed, while Prime Minister Mohammed's comments' provoked an outcry in the Western world, every leader attending the OIC meeting stood up and applauded.

Indeed, can an astute observer truly be surprised at unbridled anti-Semitism spewed forth by Prime Minister Mohammed? Or by the fact that it was met by a standing ovation? Or the fact that Malaysian diplomats have countered criticism of their prime minister's remarks by insisting that all the fuss proved he was correct? In the three years since Palestinian leader Yasser Arafat rejected an offer by Israeli Prime Minister Ehud Barak to end the conflict between their two peoples and reverted to violence, the world has seen an explosion of classical anti-Semitism (good old fashioned Jew hatred) and a complete delegitimization of Israel as a state (the "new" anti-Semitism). In Saudi Arabia last year, the state-controlled press reran ▶

an hundred year old European libel that held Jews used the blood of non-Jews to make their Passover bread. However, things have not been tame either on North American university campuses. It is now fashionable on the left to be anti-Israeli. Only one year ago, campus activists smashed windows, assaulted elderly Holocaust survivors and succeeded in silencing an Israeli speaker at Concordia University. Rarely is it a specific Israeli policy but Israel itself that merits campus criticism, as the chants of "Down, down Israel!" and "Death to Jews" make clear.

The McGill University Faculty of Law is no exception to this peak period of anti-Semitism. While the honest Prime Minister was revealing the Jews' control over the world, Radical Law McGill was hosting a talk by a PLO lawyer and an Israeli "peace activist" whose title asked if Israel's "security fence" constituted an "apartheid wall." The talk itself, held in the Moot Court, was not as radical as the students who organized the talk might have hoped. The lawyer and the activist did not even mention apartheid – obviously added by the talk's sponsors to make people ask themselves if Israel's separation from the Palestinian territories is a reincarnation of the injustice of the old South Africa.

However, several aspects of the lecture were troubling. First, although famed as a debate between those who believe the structure was a security fence and those who believe it is an instrument of Israeli oppression, there was no debate. Both speakers agreed that this was nothing more than a cynical Israeli attempt to "grab" Palestinian land. At a lecture billed as a debate between "security fence" and "apartheid wall" it might have actually been instructive to actually acknowledge the two sides of the debate and why some actually believe it is a security fence.

Second, and perhaps even more disturbing was that at no point in the lecture did either of the speakers utter the word "suicide bomber." Arguing that the fence or wall is nothing but a land grab ignores the fact that over 900 Israeli *civilians* have been murdered by Palestinian terrorists via suicide bombers in the last 3 years. Indeed, listening to the lectures would not have indicated anything more than a few youths hurling rocks at soldiers as the extent of "resistance." The lack of a barrier has insured unhindered passage into Israel's population centres without hindrance. Whether a huge wall will help is debatable. However, the fact that there was absolutely no acknowledgement of the problem at the McGill talk is symptomatic of the anti-Semitic need to completely ignore the Israeli side's point of view – a complete lack of empathy.

Another disturbing feature of the talk was the complete amazement of students in attendance that the two speakers – one Israeli and one Palestinian – could actually get along. In these troubling times of ethnic conflict, it is certainly unusual to see a Jew and an Arab acting like old chums at a university lecture. However, to show amazement that these two could actually get along misses the fact that the Israeli "peace activist" sharing the stage with the PLO spokeswoman shared her exact policy prescriptions. He even said plainly that he favoured a one-state solution, basically acknowledging that Israel – the state of the Jews – should not exist. Moreover, he heaped scorn on the "Zionists" currently obstructing peace. (For those who are only used to the UN's take on the term Zionism, it might be a shock to learn that the ideology merely refers to the belief that Israel should exist.) Only a Mahatir Mohammed should have been surprised that a Palestinian could get along with a Jew who shared Palestinian policies. Unfortunately, it is not with Israel's extreme left with which the Palestinians have to get along, but the other 99.9%.

If anyone doubts the sorry state of anti-Semitism in the world today or even at our school, they can very easily understand the issue by reflecting on the refreshing openness voiced at the OIC meeting. Demonizing one party to a sensitive, ethnic conflict will not help achieve peace, nor will ignoring their concerns. On the other hand, they could take the Malaysian Prime Minister's advice and cut through the middle-men like George Bush and write to the subversive Jews who control the world – like Paul Wolfowitz, Richard Pearle, Paul Reubens, Ben Stiller, Ronald Sklar and Richard Gold – and demand more world justice. ■

Accuracy and Responsibility

by Jared Will (Law II)

Note: The views expressed are my own, and I do not claim to speak for the entire Radical Law Community.

In last week's article, 'Radical Agenda', Brendan Gluckman made a few strong claims about an event sponsored by the Radical Law Community that require a brief reply.

If I understand him correctly, Brendan's point was that the choice of title for the panel discussion with Diana Buttu and Oren Medicks, "Israel's Security Fence or Apartheid Wall?" was "morally reprehensible" both because it was "inaccurate and irresponsible" and "because it represents the conscious application of a pejorative label in order to vilify a society."

Gluckman mentions some examples of uses of language that are truly reprehensible, such as the univocal equation of Zionism and Nazism. I have no doubt that most would agree that such claims are irresponsible. However, his claim that Radical Law's choice of title is no more that a clever yet disingenuous mask for the claim that "Star of David = Swastika" is itself unfounded, slanderous and perverse.

To begin at the beginning, the title was accurate. It reflected the central theme of the panel, which was whether the wall being built in the West Bank is truly designed to promote the security of Israeli citizens, or whether there are more important explanatory motives, such as an attempt to make the acquisition of territory East of the Green Line a *fait accompli*. That is, both panelists argued that the central motivation behind the wall is an attempt to encapsulate, isolate and control Palestinians and to and minimize their geographic holdings in the West Bank—that is, to *separate* and to *oppress*. There is no doubt that the wall *may* serve a security function, and in this light the panelists and some audience members offered reflections on whether or not 'apartheid' was the best term to ▶

describe the policy of the Israeli government vis-à-vis the wall. It was suggested that perhaps the Hebrew term for 'separation', rather than the Afrikaner term 'apartheid', should be adopted. The overarching theme was, again, whether the fence is truly a security fence or an apartheid wall. The title was not inaccurate.

It was also not irresponsible. If a state is engaging in a practice that separates human beings along racial, ethnic or religious lines in such a manner that not only are they relegated, without choice, to different geographic realms but also granted unequal rights, then the only irresponsible thing that we, the international community, can do is to ignore it, or to sugar-coat it. 'Apartheid' is a term that has come to denote a fairly specific range of state practices, and *if* a *state* engages in those practices, there is no reason to spare it the moral approbation that accompanies the term 'apartheid'.

Finally, to claim that the choice of title "represents the conscious application of a pejorative label in order to vilify a society' *unfoundedly* impugns the organizers with malicious motives. More importantly, it also elides the distinction between state and society, an elision that all too often function to delegitimize any and all criticism of not only Israel, but states in general. One point that came out of the presentation is that the fence is being built by the Israeli *state* with very little consultation or discussion from within Israeli *society*. Even if the aim of the presentation was to "vilify" Israel, the state, (though this was not the aim), that is not identical to vilifying Israeli society. To claim otherwise is to surreptitiously insulate the Israeli State from any criticism. Precisely the point on which Oren returned again and again was th the victims of a continuation of Israel's cu rent policy will not just be Palestinians, bu Israeli *society* itself.

I understand Brendan's concern that ver ues for discussing and criticizing Israeli Stat policy have been, and will continue to be exploited by anti-Semites for voicing thei racism. I also understand his concerns tha anti-Semites have and will continue to delib erately mask their anti-Semitism as a critiqu of Israel. I have seen it happen, and mine ha been among the voices condemning it. I remains, however, both unfair and counter productive to *presume* anti-Semitism every time a critique, no matter how hard-hitting, o Israeli State policy arises. There is absolutely nothing *inherently* anti-Semitic in the claim that the Israeli government is practicing apartheid in Palestine. ■

Latin American Law Students Association

Wishing to learn more on Latin American legal issues, the Latin American Law Students Association (LALSA) will commence a series of presentations on Latin American Legal Systems as of Wednesday, November 5th.

The first presentation will be given by the General Consul of Chile in Montreal, Mr. Pablo Romero. Mr. Romero is a jurist and the Deputy Director of Chile's Foreign Affairs' Diplomatic Academy (Academia Diplomática).

Everyone is welcomed to attend (and bring their lunch along).
The presentation will be given in French and/or English.

❖ ❖ ❖

THE CHILEAN LEGAL SYSTEM

❖ ❖ ❖

Special presentation given by

Mr. Pablo Romero
General Consul of Chile

Wednesday, November 5, 2003
12h30 to 13h30
CMEL Room 102

For more information on this series, please contact
Viviana Iturriaga Espinoza at *latinamerican.law@mail.mcgill.ca*

Donut's Absence Felt on Sunday

by Dennis "Pokey" Galiatsatos (Law IV)

Coming off a devastating and controversial loss against the New Dynasty last week, Chico Resch desperately sought to get a win against the Mighty Putos last Sunday night, hoping to maintain a .500 record and prove that they were indeed a competitive force in their new league. The players were particularly excited as they were blessed by the schedule Gods with a wonderful game-time of 10:00 pm, their earliest start of the season…

Alas, the excitement didn't last long, as the troubles of being short-staffed were felt early in the first period. Many players were absent or late, forcing the team to constantly adjust the lines that they'd just started to get used to. Positioning was a disaster, but the players made up for it by stepping-up the intensity and playing exceptionally hard in the corners, at both ends. Sam Atkins responded to the Putos' first goal in the middle of the first period by scoring his own 30 seconds later with a bullet from the top of the face off circle, while Dennis Galiatsatos tied up the defence and Ken McKay provided the perfect screen. Early in the second Dinesh Melwani's pass from behind the net hit Matt Singerman who squeezed it between the Puto goalie's pads, giving Chico a lead… which didn't last long.

Ironically, it is in the second period, after most of the roster had arrived and the lines were re-set, that Chico's game started to deteriorate. The confusion on the bench seemed to translate to the ice. Captain Greg Rickford had to battle with jet-lag and a lingering frustration with the Chicago Airport employees, having arrived to the arena directly from the Trudeau Airport, and Dennis Galiatsatos came to the game straight from work, having finished a 13-hour shift with no breaks. Hardly ideal conditions.

Chico's love-hate (emphasise the "hate" part) relationship with the McGill Intramural officials continued, as 5 of its players were tossed from the ice for not wearing their neck guards. In all the madness, and despite the 4-2 loss, one constant remained… the one thing that Chico can seem to rely on for games to come: outstanding goaltending by rookie Paul "the Prof." Cabana. Saving the team with spectacular saves in the first, Paul maintained a good game throughout the second, thus avoiding an even more embarrassing score. Special mention also goes to the team's discipline. Although Chico did encounter penalty troubles in the end of the game (as they always do), David "the Hammer" Lametti and John Goudy particularly kept their cool despite the dirty stick play of some not-so-mighty-Putos. Also, in what shocked the Chico players, the refs, the spectators, and even the timekeeper, Sandy Khehra was seen walking away from a fight. Certain spectators claim to have later heard Khehra in the parking lot saying "the police have way too many rights in Canada; we should do something to protect the accused's *Charter* rights!" leading to the fear that the assistant captain has changed forever. This is particularly alarming following reports that Khehra was seen reading a copy of the Joy Luck Club in the atrium last week.

Shortly following the game, some players received an email from Matt "the Donut" Locas, last year's MVP, reminding them that there might indeed be some hope upon his return after Christmas. Hopefully, Chico will be able to find its game before that.■

Speaker Announcement: Dr. Kirti Singh

The MCTRW and the McGill Law Women's Caucus invite you to come and hear Dr. Kirti Singh speak on "Women and Family Law Reform in India" in room 102 of New Chancellor Day Hall on Wednesday, October 29th at 12.30. Dr. Singh is a Visiting Scholar at the McGill Centre for Research and Teaching on Women (MCRTW). In 2001, Kirti Singh was the external resource person in a Judicial Colloquia on Gender and Law, a collaborative project of the National Judicial Academy, High Court and State Judicial Academies and the British Council India, as well as a member of the Expert Committee on Laws, National Commission for Women. At the MCTRW Dr. Singh is currently researching the economic rights of separated and divorced women in India and comparing them to Canada and the United States.

The Issue

The premise of this magazine is to encourage people to confront competing perspectives on specific national and international issues. Our goal is to provide a forum for contrasting views and ideas, in order to generate discussion and promote a more layered understanding of current controversial issues.

The topics chosen for the February 2004 publication of **The Issue** are:

1- Is the "separation fence" being built in the West Bank a viable solution to Israel's security problem or does it further threaten the possibility for lasting peace in the region? What are the broader implications, if any, of creating a physical separation?

2- An effective parliamentary democracy demands that at least one party is capable of replacing the existing government. With the Liberal Party's re-election to a third majority government in 2000 and an upcoming federal election that is certain to bring Paul Martin to power, is Canada a de facto one-party state? Would an Alliance-PC party merger have the potential to alter the current state of Canadian democracy?

3- Has the role of the UN been permanently diminished now that the US has demonstrated its willingness to proceed without the UN's seal of legitimacy for its foreign policy initiatives?

4- In one of a trilogy of language rights cases to be heard by the Supreme Court of Canada this year, 10 francophone families are suing the government of Québec for the right to send their children to English schools. They claim that the current Québec law, which requires children of French-educated parents to attend French schools, violates the Québec Charter of Rights and Freedoms.

In an attempt to protect the French language and culture, is it legitimate for the Quebec government to use methods that arguably constrict the autonomy of its citizens in choosing the language of education of their children?

5- Given that environmental organizations almost unanimously agree that the FTAA will have catastrophic consequences for the environment, should we consider whether there are potential positive impacts of the FTAA? Is there a case for 'greening' the FTAA?

6- In response to native demands, and in an effort to respect historic treaty rights and to alleviate problems facing native communities, the Canadian government has instituted preferential policies such as tax cuts and special fishing/hunting rights. These policies have often been viewed as excessive by non-native people, and adversely as insufficient and superficial by natives. Are preferential policies legitimate ways to address the rights and needs of First Nations peoples?

DEADLINE FOR SUBMISSIONS IS JANUARY 6, 2004 at 3:00 PM.
BE A PART OF THE DEBATE.
We will be publishing 3 to 4 different perspectives on each topic. Submissions should not exceed 1000 words in length. Anonymous submissions will not be accepted.
For information, contact theissue@heybro.com